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NCR Corporation and M&T Bank

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ACTUATE CORPORATION, a California
Corporation,

Plaintiff,

v.

NCR CORPORATION, a Maryland corporation,
M&T BANK, a New York state chartered bank,
and DOES 1 through 10

Defendants.

AND RELATED COUNTERCLAIMS

CASE NO. 4:13-cv-03494 (PJH)

**STIPULATION OF DISMISSAL
WITH PREJUDICE AND ORDER**

1 Plaintiff Actuate Corporation ("Plaintiff") and Defendants NCR Corporation ("NCR") and
2 M&T Bank ("M&T"), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), having entered into a
3 Settlement and Mutual Release Agreement and each having executed the agreement, hereby
4 stipulate and agree that all claims and counterclaims asserted in this action are dismissed with
5 prejudice with each party to bear its own costs and attorneys' fees. The parties have further
6 agreed, and so request, that the Court retain jurisdiction to enforce the Settlement Agreement.

7 IT IS SO STIPULATED.

8
9 Dated: July 2, 2014

LEE TRAN & LIANG LLP

10 By: /s/ James M. Lee
11 JAMES M. LEE

12 Attorney for Plaintiff and Counter-defendants
13 ACTUATE CORPORATION

14
15 Dated: July 2, 2014

DLA PIPER LLP (US)

17 By: /s/ Amanda L. Morgan
18 AMANDA L. MORGAN
19 PAUL R. GUPTA

20 Attorneys for Defendants and Counterclaimants
21 NCR CORPORATION and M&T BANK

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24 SO ORDERED, this 9 day of July, 2014

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28 THE HONORABLE  J. HAMILTON

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of this document has been obtained from Amanda L. Morgan which shall serve in lieu of his signature on the document.

Dated: July 2, 2014

LEE TRAN & LIANG LLP

By: /s/ James M. Lee
JAMES M. LEE

Attorney for Plaintiff and Counter-
defendants
ACTUATE CORPORATION